

## Temporary House Special Session Rule Changes

**H40-60. One reading per day.** ~~Except on the final legislative day, legislation~~ Legislation may receive no more than one reading per legislative day. ~~On the final legislative day, legislation may receive more than one reading.~~

**H40-140. Second reading.** (1) Legislation returned from committee may be placed on second reading unless otherwise ordered by the House.

(2) The House shall form itself into a Committee of the Whole to consider business on second reading. The Committee of the Whole may debate legislation, attach amendments, and recommend approval or disapproval of legislation.

(3) ~~Except on the final legislative day, at least 1 legislative day must elapse between the time legislation is~~ Legislation reported from committee ~~and the time it is~~ may be considered on second reading at any time.

(4) If a motion to recommend that a bill "do pass" or "be concurred in" fails in the Committee of the Whole, the obverse, i.e., a recommendation that the bill "do not pass" or "be not concurred in", is considered to have passed. If a motion to recommend that a bill "do not pass" or "be not concurred in" fails in the Committee of the Whole, the obverse, i.e., a recommendation that the bill "do pass" or "be concurred in", is considered to have passed.

(5) An amendment attached to legislation by the Committee of the Whole remains unless removed by further legislative action.

(6) When the Committee of the Whole reports to the House, the House shall adopt or reject the Committee of the Whole report. If the House rejects the Committee of the Whole report, the legislation remains on second reading, as amended by the Committee of the Whole, unless the House orders otherwise.

(7) A representative may move to segregate legislation from the Committee of the Whole report before the report is adopted. Segregated legislation, as amended by the Committee of the Whole, must be placed on second reading unless the House orders otherwise.

**H40-150. Amendments in the Committee of the Whole.** (1) All Committee of the Whole amendments must be checked by the House amendments coordinator for format, style, clarity, consistency, and other factors, in accordance with the most recent Bill Drafting Manual published by the Legislative Services Division, before the amendment may be accepted at the rostrum. The amendment form must include the date and time the amendment is submitted for that check. The amendment coordinator shall make a determination that the amendment does not change the purpose of the bill, that the amendment is reasonably germane to the bill, and that the amendment is within the scope of the call of the special session. The amendment coordinator's determination, along with a copy of the proposed amendment must be provided to the majority leader and the minority leader.

(2) An amendment submitted to the rostrum for consideration by the Committee of the Whole must be marked as checked by the amendments coordinator and signed by a representative. Unless the majority leader, the minority leader, and sponsor agree, amendments must be printed and placed on the members' desks prior to consideration.

(3) An amendment may not be proposed until the sponsor has opened on a bill.

(4) A copy of every amendment rejected by the Committee of the Whole must be kept as part of the official records.

(5) An amendment may not change the original purpose of the bill.

**H40-190. Engrossing.** (1) ~~After legislation is passed on second reading, it must be engrossed within 48 hours under the direction of the Speaker. The Speaker may grant additional time for engrossing.~~

~~(2) When the legislation~~ Legislation that has passed second reading has been correctly engrossed, it may be placed on third reading on the ~~following~~ same legislative day. On the final

legislative day, the correctly engrossed legislation may be placed on third reading on the same legislative day.

**H40-200. Third reading.** (1) All bills, joint resolutions, and Senate amendments to House bills and resolutions passing second reading must be placed on third reading ~~the day following the receipt of the engrossing or other appropriate printing report.~~

(2) Legislation on third reading may not be amended or debated.

(3) The Speaker shall state the question on legislation on third reading. If a majority of the representatives voting does not approve the legislation, it fails to pass third reading.

**H40-240. Enrolling.** (1) When House legislation has passed both houses, it must be enrolled ~~within 48 hours~~ under the direction of the Speaker. ~~The Speaker may grant additional time for enrolling.~~

(2) The chief sponsor of the legislation shall examine the enrolled legislation and, if it has no enrolling errors, shall, within 1 legislative day, certify the legislation as correctly enrolled.

(3) The correctly enrolled legislation must be delivered to the Speaker, who shall sign the legislation.

(4) After the legislation has been reported correctly enrolled but before it is signed, any representative may examine the legislation.

**H50-10. Attendance.** (1) A representative, unless excused, is required to be present at every sitting of the House.

(2) A representative may request in writing to be excused for a specified cause by the representative's party leader. ~~This excused absence is not a leave with cause from a call of the House.~~

~~———— **H50-30. Call of the House without a quorum.** (1) In the absence of a quorum, a majority of the representatives present may compel the attendance of absent representatives through a call of the House without a quorum. The motion for the call is nondebatable, may not be amended, and is in order at any time it has been established that a quorum is not present.~~

~~———— (2) During a call of the House, all business is suspended. No motion is in order except a motion to adjourn or to remove the call.~~

~~———— (3) When a quorum has been achieved under the call, the call is automatically lifted. The call may also be lifted by adjournment or by two-thirds of the representatives present and voting.~~

~~———— **H50-40. Call of the House with a quorum.** (1) If a quorum is present but at least one representative is excused or absent, one-third of the representatives present and voting may order a call of the House with a quorum.~~

~~———— (2) The motion for a call is nondebatable, may not be amended, and is in order at any time a vote is not being taken, except that a call of the House with a quorum is not allowed in the Committee of the Whole.~~

~~———— (3) During a call of the House, all business is suspended. No motion is in order except a motion to adjourn or to remove the call.~~

~~———— (4) When all representatives are present, except those on leave with cause, the call is automatically lifted. The call may also be lifted by adjournment or by two-thirds of the representatives present and voting.~~

~~———— **H50-50. Leave with cause.** (1) During a call of the House, a representative with an overriding medical or personal reason may request a leave with cause.~~

~~———— (2) If the representative is present at the time of the call, the Speaker may approve a request for a leave with cause.~~

~~———— (3) If the representative is not present at the time of the call, two-thirds of the representatives present and voting may approve a request for leave with cause.~~

~~\_\_\_\_\_ (4) During a call of the House, a representative on leave with cause may not cast an absentee vote.~~

**H50-80. Nondebatable motions.** (1) A representative has the right to understand any question before the House and, usually under the administration of the presiding officer, may ask questions to exercise this right.

(2) The following motions are nondebatable:

(a) to adjourn;

~~(b) for a call of the House;~~

(c) to recess or rise;

(d) for parliamentary inquiry;

(e) to table or take from the table;

(f) to call for the previous question or cloture;

(g) to amend a nondebatable motion;

(h) to divide a question;

(i) to postpone consideration to a day certain;

(j) to suspend the rules;

(k) all incidental motions, such as motions relating to voting or of a general procedural nature; and

(l) to appeal a call to order.

**H50-100. Amending motions -- limitations.** (1) A representative may move to amend the specific provisions of a motion without changing its substance.

(2) No more than one motion to amend a motion is in order at any one time.

(3) A motion ~~for a call of the House,~~ for the previous question, to table, or to take from the table may not be amended.

**H50-110. Substitute motions.** (1) When a question is before the House, no substitute motion may be made except the following, which have precedence in the order listed:

(a) to adjourn;

~~(b) for a call of the House;~~

(c) to recess or rise;

(d) for a question of privilege;

(e) to table;

(f) to call for the previous question or cloture;

(g) to postpone consideration to a day certain;

(h) to refer to a committee; and

(i) to propose amendments.

(2) Nothing in this section allows a motion that would not otherwise be allowed under a particular order of business.

(3) No more than one substitute motion is in order at any one time.

**H50-150. Questions requiring other than a majority vote.** The following questions require the vote specified for each condition:

100 House Members

(1) a motion to override the Governor's veto (two-thirds);

(2) a motion to approve a bill to appropriate the principal of the coal severance tax trust fund (three-fourths);

(3) a motion to approve a bill to appropriate highway revenue, as described in Article VIII, section 6, of the Montana Constitution, for purposes other than therein described (three-fifths);

(4) a motion to approve a bill to authorize creation of state debt (two-thirds);

(5) a motion to temporarily suspend a joint rule governing the procedure for handling bills (two-thirds).

Members Present and Voting

- ~~(1) a call of the House with a quorum (one-third);~~  
~~(2) a motion to lift a call of the House (two-thirds);~~  
(3) a motion to rerefer a bill from one committee to another pursuant to Rule 40-80(1) (three-fifths);  
(4) a motion to withdraw a bill from a committee (three-fifths);  
(5) a motion to add legislation to the second or third reading agenda (three-fifths);  
(6) a motion to remove legislation from its normal progress through the House as provided under these rules and reassign it unless otherwise specifically provided by these rules (three-fifths);  
(7) a motion to change a vote (unanimous);  
(8) a motion to call for cloture (two-thirds);  
(9) a motion to take from the table in Committee of the Whole (three-fifths).

#### Members Voting

- (1) a motion to amend or suspend rules (two-thirds);  
(2) a motion to overturn an adverse committee report (three-fifths);  
(3) a motion to record a vote (one representative);  
(4) a motion to spread a vote on the journal (two representatives);  
(5) an appeal of the ruling of the presiding officer (three representatives);  
(6) a motion to speak more than once on a debatable motion (unanimous vote);  
(7) a motion to appeal the presiding officer's interpretation of the rules to the House Rules Committee (15 representatives).

#### Entire Legislature

- (1) a motion to approve a bill proposing to amend the Montana Constitution (two-thirds of the entire Legislature).

**H60-20. Nondebatable motions.** The following motions, in addition to any other motion specifically designated, must be decided without debate:

- (1) to adjourn;  
~~(2) for a call of the House;~~  
(3) to recess or rise;  
(4) for parliamentary inquiry;  
(5) to table or to take from the table;  
(6) to call for the previous question or for cloture;  
(7) to amend a nondebatable motion;  
(8) to divide a question;  
(9) to postpone consideration to a day certain;  
(10) to suspend the rules; and  
(11) all incidental motions, such as motions relating to voting or of a general procedural nature.

**H60-30. Motions allowed during debate.** (1) When a question is under debate, only the following motions are in order. The motions have precedence in the following order:

- (a) to adjourn;  
~~(b) for a call of the House;~~  
(c) to recess or rise;  
(d) for a question of privilege;  
(e) to table or take from the table;  
(f) to call for the previous question or cloture;  
(g) to postpone consideration to a day certain;  
(h) to refer or rerefer; and  
(i) to propose amendments.  
(2) This section does not allow a motion that would not otherwise be allowed under a particular order of business.  
(3) Only one substitute motion is in order at any time.

**H70-10. House rules.** (1) The House may adopt, through a House resolution passed by a majority of its members, rules to govern its proceedings.

(2) After adoption of the House rules, ~~two-thirds~~ a majority of the representatives voting must vote in favor of the question to amend the rules.

(3) The Speaker shall refer to the House Rules Committee all resolutions for House rules.

(4) The House Rules Committee shall report all resolutions for House rules within 1 legislative day of referral.

**H70-20. Tenure of rules.** Rules adopted by the House for a regular session remain in effect until removed by House resolution or until a new House is elected and takes office.